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**May 20, 2011**  
**Board of Commissioner's Meeting**  
**Minutes**

**Commissioner's Present:**

Commissioner Cocke (phone)  
Commissioner Davis  
Commissioner Garrett  
Commissioner Hewitt  
Commissioner Jones (phone)  
Commissioner Miller (phone)  
Commissioner Osborne  
Chair Pierce  
Commissioner Walker (phone)  
Commissioner Wiggins  
Commissioner Wurzburg (phone)

**Commissioner's Absent:**

Commissioner Blalock  
Commissioner McDaniel  
Commissioner Pride  
Commissioner Starling

**Staff Present:**

Beverly Watts, Executive Director  
Bobbie Porter, Special Assistant to the Executive Director  
Tiffany Baker Cox, Deputy Director  
Shalini Rose, General Counsel  
Richard Gadzekpo, Housing Coordinator  
Marcus Thomas, Title VI Compliance Director  
Lisa Lancaster, Executive Assistant

**Guests:**

None

**Call to Order**

Chair Pierce called the meeting to order at 9:10 a.m. Roll call was taken. Chair Pierce asked that those present observe a moment of silence with thoughts and prayers for the tornado and flood victims and their families and also for our past and current veterans that will be honored on the upcoming Memorial Day holiday. Minutes of the March meeting

were reviewed and Commissioner Wiggins made a motion to accept. Commissioner Davis seconded the motion. A vote was taken and passed.

### **Budget & Audit Committee Report**

Commissioner Osborne, Chair of the Budget and Audit Committee reported on the April 20, 2011 Budget and Audit Committee Meeting that was held telephonically to consider the Audit Report. The Executive Director briefed the committee on the 5 findings of the audit and the responses prepared by THRC. It was noted that copies of the audit and THRC responses are included in the materials for this meeting. THRC staff will present the responses to the Joint Committee at a hearing. The committee approved the document for submission and Executive Director Watts will follow up with the board in her report.

Commissioner Davis made a motion to accept the report and Commissioner Wiggins seconded the motion. A vote was taken and passed. The Chair thanked Commissioner Osborne and the committee for their hard work and dedication.

### **Employment Case Report**

Tiffany Baker Cox, Deputy Director's employment report covered the months of March and April 2011 when 121 inquiries were received that resulted in 93 charges of which 82 were dual filed and 11 were THRC only. The agency closed 119 cases that included 103 dual filed and 16 THRC only and Title VII, Title VII/ADEA and ADEA cases were the top three bases. There were seven mediations held and four were successful resulting in \$21,967 in benefits and three reached an impasse. No cases were caused and 22% of cases were administratively closed. The average case age was 349 days and inventory stands at 343 cases with an average charge age of 259 days.

The focus of investigative work since January has been reducing the number of aged cases which was 40% of the inventory that was over 270 days old. Those cases have been reduced to 33%. It was noted that the yearly comparative numbers are affected by Mediation Month in regards to benefits received.

EEOC fiscal year numbers indicate that with the new contract we would qualify for an upward modification by exceeding the 75% goal by the end of June. If that holds true we will request the upward modification. Funding availability will determine who receives the modification beginning with agency's that have completed 100% of their contract and working down. We project that we will have completed approximately 80% of our contract by that time.

Tracy Davidson, our new Information Resource Support Specialist II that began on April 4<sup>th</sup> was introduced. Because of the retirement of Lila Stafford, her position remains open and the process has begun to reclass this secretary position to an Administrative Assistant class and once that is complete that position will be filled.

Staff will attend a half day Customer Service Training provided by the Department of Human Resources during the summer. Also during this time the Mission and Vision Planning that was begun in 2009 will continue. Mediation training will be held again in the

fall in order to certify an additional 3 to 5 mediators for the agency. Commissioners were invited to attend.

A motion to accept the Employment Report was made by Commissioner Osborne and seconded by Commissioner Hewitt. A vote was taken and passed.

### **Housing Case Report**

The housing report was given by Housing Coordinator, Richard Gadzekpo who reported on the timeframe of March and April 2011. The division received 27 inquiries and accepted 17 as complaints with the majority of those being from Davidson and Knox Counties. Race (47%) and Disability (29%) were the top bases for complaints followed by gender 12% and familial status 12%. During the timeframe 16 cases were closed 9 of which were closed in under 100 days.

The focus for the year has been to reach the HUD 50% efficiency goal. There are still 2 cases on the books from last year one is a cause case and one has been submitted to HUD as a pro bono cause. Once a decision has been made by HUD it can be submitted for closure.

On Tuesday May 25 and 26 HUD will arrive to perform their Annual performance Assessment with THRC. Chair Pierce thanked the housing staff for their hard work and congratulated their accomplishments.

A motion to accept the Housing Report was made by Commissioner Hewitt and seconded by Commissioner Wiggins. A vote was taken and passed.

### **Legal Report**

General Counsel, Shay Rose reported on the March 1 through April 30 timeframe. In the employment division 116 cases were closed with 24 of those being administrative closures. There are currently 2 cause cases and 52 investigative plans were reviewed and 7 reconsiderations completed. In housing 16 cases were closed, 2 of those being administrative closures. Currently there are 2 cause cases and 7 investigative plans have been reviewed and 3 reconsiderations completed. It was noted that 43 copy requests have been completed during the time period which is substantial as they are time consuming tasks.

The Employment Law Seminar will be June 23 and David Perez, EEOC General Counsel will be the keynote speaker for the event. All commissioners are invited to attend at no charge and CLE and HR credits will be given for attendance. Other outreach events included the Board of Regents speaking engagement attended by Ms. Rose and Mr. Yu on March 29<sup>th</sup> where they discussed position statement preparation. On April 23 Mr. Yu staffed the agency booth at the "Felony Friendly Job Fair" that was attended by 3,000.

The cause case update included 2 employment cases repeated from previous reports that are still in the review process. In the housing cause case, the complainant alleged sexual harassment resulting in her lease was not being renewed. This case will go to mediation

next week. In the second case the complainant was refused rent due to her national origin; Chinese. This case will probably go to hearing.

Commissioner Osborne made a motion to accept the legal report. Commissioner Davis seconded the motion. A vote was taken and passed.

### **Executive Director's Report**

Executive Director Watts reported that the budget has been approved and does include one position in the Title VI division but the legislative session has not closed so changes could occur.

Legislative Senate bills 938 & 939 have stalled and are not on the calendar; Senate bill 938 is dead; Senate bill 939 which is the sole cause bill is still active and may show up again next year. The bills to overturn *Gossett v. Tractor Supply* and *Hannon* which pertain to court proceedings were not aggressively followed by THRC but will go to the House today.

The bill to limit local jurisdictions from expanding legislation that would surpass what is in the state law did pass and is on the Governor's desk for signature. It is not known how this will impact THRC. Our Sunset Legislation passed in the House and Senate which gives the agency two more years but requires us to report to the Comptroller's office by the 17<sup>th</sup> of October 2011 with respect to finding number 4 which deals with the falsification of records that resulted from the special audit of 2008.

Because of staff limitations we stopped the process of calling witnesses to verify contact. A process will be put in place and a report prepared for the Comptroller that updates the contacting of witnesses and the documentation of that review. Auditors may interview staff concerning the responses. An update will be provided to the Budget and Audit Committee and the Board of Commissioners. Staff will be notifying all parties including witnesses that follow up surveys and contacts will be conducted.

The Tennessee Blue Book information has been updated and provided to you as well as talking points from the Listening Sessions.

We will be revising our rules because when they were updated for Title VI those changes did not include the English in the workplace corrections.

During the Fair Housing Matters Conference and the THRC Roundtables Middle and East Tennessee a question was raised by East TN Legal Services, the Tennessee Fair Housing Council and a person from the National Fair Housing Training Academy regarding a 2007 THRC rule which defines no cause. That rule is consistent with EEOC standard which says a preponderance of evidence but the HUD standard for cause is less than a preponderance of evidence. After consultation with staff it was determined that we have been conducting investigations and making conclusions based on the appropriate standards from EEOC and HUD in our investigations. We will revise this rule and include language to clarify this issue.

THRC was represented at the Felony Friendly Job Fair hosted by Rep. Brenda Gilmore in April that was attended by 3,000 even though being a convicted felon is not a protected class under our statute which led to frustration as they felt they were discriminated against and we should be able to help them. The event also conflicted with a children's Easter Egg Hunt being held at the same location which was hosted by another legislator. More about this issue will come up in the future and we will keep you informed.

Discussion is taking place with the TN Labor Management group about collaborating with them and others for future events.

A motion was made to accept the Executive Director's report by Commissioner Hewitt. It was seconded by Commissioner Wiggins and a vote was taken and passed.

### **Outreach & Education**

Bobbie Porter reported on the timeframe of March 1 to April 30, 2011 during which two major events took place. The East and Middle TN Round tables and Listening Sessions were held in Johnson City and Nashville. Chair Pierce wrote an editorial that appeared in numerous newspapers, including Knox, Wilson and Morgan counties on Women's History Month.

During the timeframe THRC participated in 21 outreach and education events and 13 speaking events. During April, which is Fair Housing Month, THRC participated in 6 Housing events in which 400 people were in attendance. During April a radio campaign with recorded messages from the Executive Director ran for three weeks and was heard by 3.4M listeners. An internet banner also ran during the month that reached 40,000 people. The Executive Director wrote an editorial that ran in the electronic version of the Tennessean on April 24, 2011.

To wrap up the Listening Session and Roundtable events all Commissioner's were thanked for their assistance in making arrangements and help with radio and television contacts to promote these events. Those attending were given materials to take with them that included THRC overview, brochures, Annual Report summary, case scenarios and local statistics. The East TN event held in Johnson City was attended by 29 and 37; the Middle TN event held in Nashville was attended by 19 and 0; the total for all three events was 44 at the Roundtables and 76 at the Listening sessions. The Roundtables reached 81 organizations.

Executive Director Watts noted that even though there was little value added with the listening sessions, there was significant value added with the roundtables and these subjects will be reviewed by the Outreach and Education committee where it pertains to future events. She invited Commissioners to offer feedback to the Outreach and Education committee members to be included in those discussions. Commissioner's Wiggins, Cocke and Wurzburg also noted that the Roundtables were more effective in getting the word out about THRC and its mission.

There have been 42 registrations received for the Employment Law Seminar that will be held on June 23, 2011 and the Blue Book entry is included in the materials for the board

meeting if you would like to review it. The Commissioner and executive staff name tags are in that were requested by Commissioner Hewitt and were given out.

Commissioner Cocke made a motion to accept the Communications report. Commissioner Davis seconded the motion. A vote was taken and passed.

Chair Pierce noted that Commissioners need to fill out the Event Detail form when they speak or attend events on behalf of THRC and it will be emailed to those requesting it. She noted that she attended a League of Women Voter's event and Richard Gadzekpo provided THRC brochures and materials that were handed out and a woman who was a previous staff member of the THRC gave her testimony as to the work that this agency has done over the last 20 years.

### **Title VI Compliance Report**

Marcus Thomas, Title VI Compliance Program Director reported on the timeframe March 1 to April 30, 2011 and noted that the new rules that include the Title VI rules are now available on the website and that he attended a training session with the Department of Justice, Human Rights Division on the topic of Investigative Procedures in Arlington, Virginia.

Title VI Implementation Plan review is complete and 20 agencies have met the requirements and 21 agencies received findings and notification of those findings have been sent out and development of statewide policy requiring departments of training requirements on Title VI and LEP has been shared.

During the timeframe 74 inquiries were received resulting in 10 complaints and 2 cases were closed. Commissioner Osborne asked about the year to date figures and if there are currently 39 cases in inventory. Mr. Thomas noted that was correct and most of those are in Department of Corrections. In the future the report will indicate the number left in inventory and the standards for aging.

Implementation Review is taking longer than expected and notices of findings are being sent to the departments affected notifying them of deficiencies and issues and giving them 10 days to respond.

A motion to accept the Title VI report was made by Commissioner Davis and seconded by Commissioner Hewitt. A vote was taken and passed.

### **Announcements**

Deputy Director, Tiffany Baker Cox reminded the Commissioner's that if there is a topic that they would like to have an educational segment on to please notify Lisa Lancaster by email so that could be included.

Executive Director Watts requested feedback concerning a Commissioner's retreat this year and possible topics. It was suggested since there are no new commissioners that maybe a shortened version of the retreat in September that might include an afternoon session and dinner with the board meeting to follow the next day should be considered.

Facilitator, Edy Nash's mother has passed away and more information will be shared when available.

Commissioner Wurzburg was given an award along with 16 other persons that worked to organize the "Panel of American Women" in Memphis in response to the death of Dr. King. The group consisted of Catholics, Jews, White Majority and African Americans that traveled around speaking about prejudice and reached nearly 100,000 people in a decade. The panel was asked in 1969 to help with the possible sanitation workers strike in Memphis that was to happen in June and addressed the hourly wages and dire poverty of the workers. In the first strike in 1968 the issue was over recognition.

It was noted that Commissioner Garrett was nominated for the ATHENA Award and an announcement was made about the TN Women's Hall of Fame ceremony on June 17 to induct Pat Head Summit to the Hall of Fame. She joins Jane Eskind and Judge Martha Craig Daughtrey who are previous inductees.

Chair Pierce received a motion to adjourn from Commissioner Wiggins and a second from Commissioner Osborne. A vote was taken and passed and the meeting was closed at 10:15 a.m.